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11 *Attorneys for the United States*

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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**

16 Jeffrey P. Bennett, an individual,

17 Plaintiff,

v.

18 United States of America; Does I through X,
19 inclusive; and Roe Corporations I-X,
20 inclusive,

21 Defendants.

22 Case No. 2:20-cv-01584-GMN-NJK

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24 **Stipulation and Order to Strike**
25 **Plaintiff's Jury Demand**

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27 **IT IS HEREBY STIPULATED** by and between Plaintiff, Jeffrey P. Bennett, by and
28 through his attorney of record, Adam R. Fulton, Esq., Logan G. Willson, Esq. of the law
firm of Jennings & Fulton, Ltd., and Defendant, United States of America, by and through
Assistant United States Attorney Skyler H. Pearson, that Plaintiff's jury trial demand (ECF
No. 9) be stricken and that this case proceed as a bench trial.

29 Plaintiff filed this action arising under the Federal Tort Claims Act, ("FTCA") 28
30 U.S.C. §§ 1346(b), 2671–80 (ECF No. 1 at ¶ 2). Thereafter, Plaintiff filed a demand for a
31 jury trial (ECF No. 9). However, Congress has stripped plaintiffs, like Mr. Bennett, of the
32 right to a jury trial by statute. *See* 28 U.S.C. § 2402; *see also* *Nurse v. United States*, 226 F.3d
33 996, 1004 (9th Cir. 2000) ("The district court correctly concluded that plaintiff has no right
34 to a jury trial on her claims against the United States." (citations omitted)).

1 Accordingly, the parties stipulate and agree that this case should proceed as a bench
2 trial to commence on Monday May 8, 2023 at 8:30 A.M.

3 Respectfully submitted this 8th day of December 2022.

4 **JENNINGS & FULTON, LTD.**

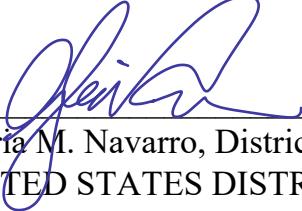
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6 /s/ Logan G. Willson
LOGAN G. WILLSON, ESQ.
7 Attorney for Plaintiff

JASON M. FRIERSON
United States Attorney

/s/ Skyler H. Pearson
SKYLER H. PEARSON
Assistant United States Attorney

8 **IT IS SO ORDERED.**

9 Dated this 8 day of December, 2022

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12 Gloria M. Navarro, District Judge
13 UNITED STATES DISTRICT COURT